

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P802961/WO/1		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/000652	International filing date (day/month/year) 29.03.2004	Priority date (day/month/year) 27.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant MTU AERO ENGINES GMBH			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-11 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-16 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	4, 6, 7, 10, 13, 14	YES
	Claims	1-3, 5, 8, 9, 11, 12, 15, 16	NO
Inventive step (IS)	Claims	4, 6, 7, 10, 13, 14	YES
	Claims	1-3, 5, 8, 9, 11, 12, 15, 16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>1. This report makes reference to the following documents:</p> <p>D1: US-A-5743375</p> <p>D2: GB-A-872401.</p>			
<p>2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 1, 8, 15 and 16 lacks novelty within the meaning of PCT Article 33(2).</p>			
<p>3. D1 and D2 each discloses a device for conveying articles (conveyor transfer apparatus / conveyor system; see also D2, page 1, lines 11-22) having (at least) one conveying device (side-roller chains (71) and (72) / chain (13)), the (or each) conveying device being designed so that it can be raised or lowered in such a manner that, when the (or each) conveying device is raised, articles thereof can be moved by moving the (or each) conveying device (see D1, column 3, lines 22-44 / D2, page 2, line 111 to page 3,</p>			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

line 5; figure 3).

Therefore, all of the features of claims 1, 8 and 16 are known in their entirety from D1 or D2.

4. D1 discloses a method for conveying articles, (at least) one conveying device being raised in such a manner that, when the (or each) conveying device is raised, (at least) one article is raised (see: column 3, lines 22-44; figure 6).

Therefore, all of the features of claim 15 are known in their entirety from D1.

6. The additional features of dependent claims 3, 5, 8, 11, 12, 15 and 16 are also known from D1.

The additional features of dependent claims 2 and 9 are also known from D2.

7. Although claims 1 and 8 are drafted as separate independent claims, they seem in fact to relate to the same subject matter, the only apparent difference being in the definition of the subject matter for which protection is sought. The claims are therefore not concise, and they do not meet the requirements of PCT Article 6.

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8. The dependent claims have not been drafted in the two-part form defined by PCT Rule 6.3(b). However, in the present case the two-part form would appear to be appropriate. Accordingly, the features known in combination from the prior art (D1 or D2) should have been placed in the preamble (PCT Rule 6.3(b)(i)) and the remaining features specified in the characterising part (PCT Rule 6.3(b)(ii)).
9. Claims 1-16 relate to industrially applicable subject matter (PCT Article 33(4)).